



**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

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Public Notice No.  
LRL-1983-90009-kjs

Open Date:  
18 Apr 2017

Close Date:  
8 May 2017

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Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Ms. Kimberly J. Simpson, CELRL-RDN, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

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This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Mr. David A. Evanszyk  
Marine Builders, Inc.  
208 West Church Street  
Utica, Indiana 47130

AGENT: Mr. Norb Whitlock  
Rivertrends, LLC  
4007 Fox Meadow Way  
Prospect, Kentucky 40059

LOCATION: Marine Builders Harbor on the right bank of the  
Ohio River Mile Marker 596.3 at 208 West Church  
Street in Utica, Clark County, Indiana.

Latitude: 38.3278  
Longitude: -85.6549  
7.5 Minute Quad: Jeffersonville, Indiana

PURPOSE: To promote more efficient maintenance dredging  
operations and to provide additional fleeting.

DESCRIPTION OF WORK: The existing facility includes permitted barge  
fleeting areas, a dry dock, and pleasure craft slips under Corps ID  
number LRL-1983-09. Additionally, a 10-year dredging permit was  
authorized in 2012 under Corps ID number LRL-2012-764.

Currently, the applicant requests authorization to construct a 100-foot  
long and 45-foot wide wing dike approximately 75 feet below the mouth of  
Lenztler Creek as it enters the harbor with existing deposited material.  
Approximately 2,300 cubic yards of existing silt would be shaped and  
utilized for the dike and the top three feet would be capped with  
approximately 600 cubic yards of 6-inch or greater riprap. The dike  
would be 15 feet above normal pool and extend perpendicular  
approximately 100 feet from the left bank of the harbor. The purpose of  
the dike is to direct flow and heavy sediment load from Lenztler Creek  
towards the right side of the harbor, thus minimizing the siltation that  
would occur under the boat slips. This would allow more efficient

removal of the material by use of a barge mounted excavator or an excavator on shore adjacent to the harbor and decanting area. In addition, a barge mounted excavator would remove approximately 25,000 cubic yards of dredged material for docks/slips and ingress and egress to the harbor. Material would be placed on a barge and then into the proposed decanting area or it would be placed directly from the excavator into the proposed decanting area.

The proposed temporary decanting area would be located above the Ordinary High Water Elevation of 423.2 feet on land adjacent to the marina on the right bank of the harbor surrounded by silt fencing to control runoff. Once the material has dried, it would be transported via dump truck to an approved upland location. The previously permitted decanting area is full and can no longer be utilized.

Currently, the applicant is permitted to have a 3 barges wide by 6 barges deep mooring area in the River. On the left bank inside the harbor, the applicant is permitted to have a 428 x 110-foot dry dock and mooring area, as well as a 120 x 63-foot mooring area. The applicant requests to expand the existing fleeting area due to demand of tug servicing as a result of new regulation requirements. On the right bank inside the harbor, the applicant requests to establishment a 200 x 35-foot and 150 x 35-foot mooring area. Two deadmen would be installed for securing vessels at this location. Mooring cables of  $\frac{3}{4}$  inch or greater would be used to secure the vessels both fore and aft. With the currently authorized configuration and the proposed additional fleeting, a 70-foot wide passage for pleasure craft between mooring areas would remain.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The project area is an existing active harbor, barge mooring, and a tug/barge maintenance facility. Shaping the existing sediment to form the dike would result in less sediment transfer than dredging all of the material. In addition, silt fencing would be utilized to minimize runoff from the proposed decanting area.

No mitigation is proposed for requested authorizations. It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section

Regulatory Division  
North Branch  
Public Notice No. LRL-1983-90009-kjs

301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 North Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which have been directly affected by the work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be

interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Kimberly J. Simpson, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-1983-90009-kjs.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-1983-90009-kjs.

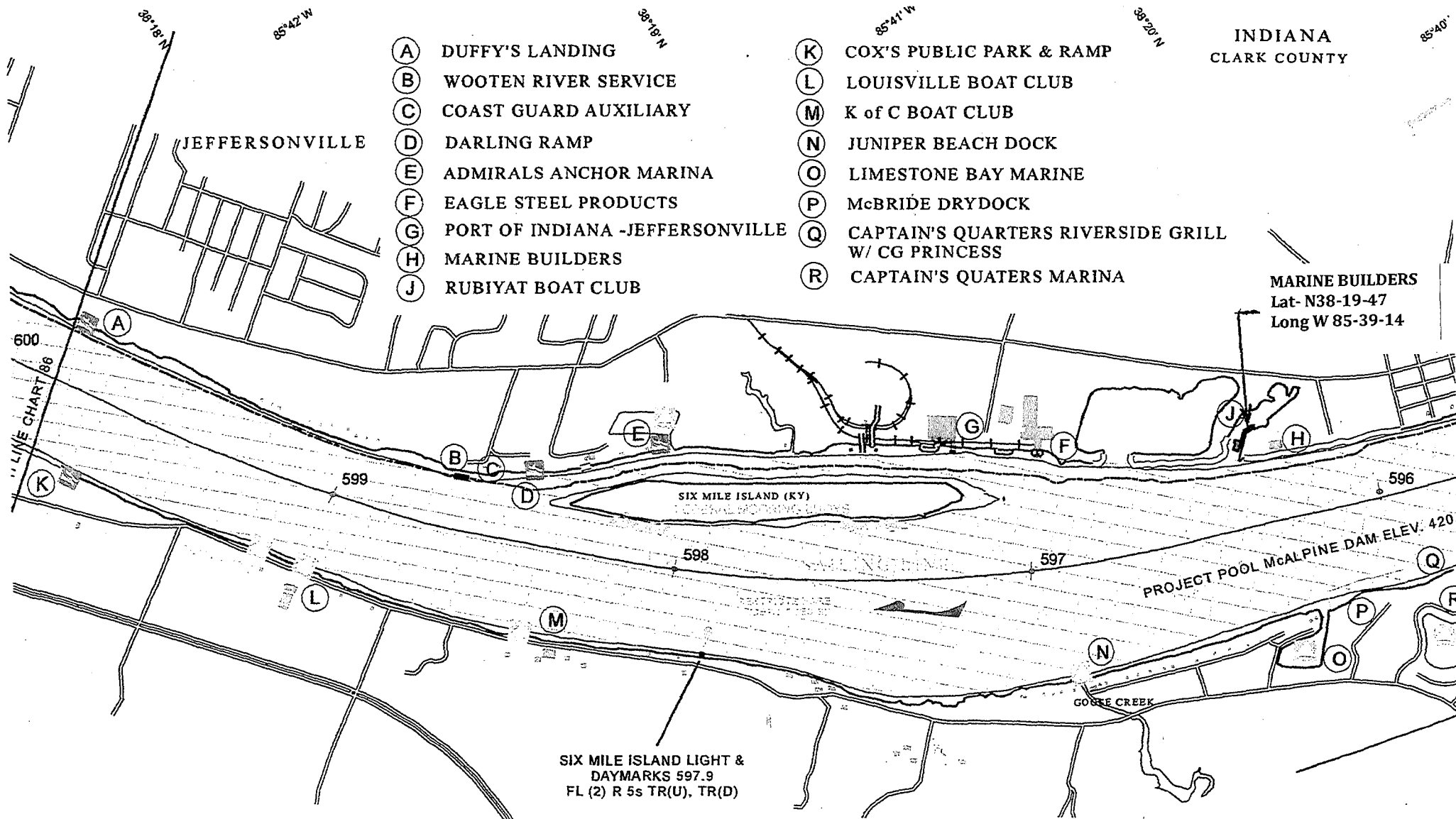
Example:

Subject: LRL-1983-90009-kjs

b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



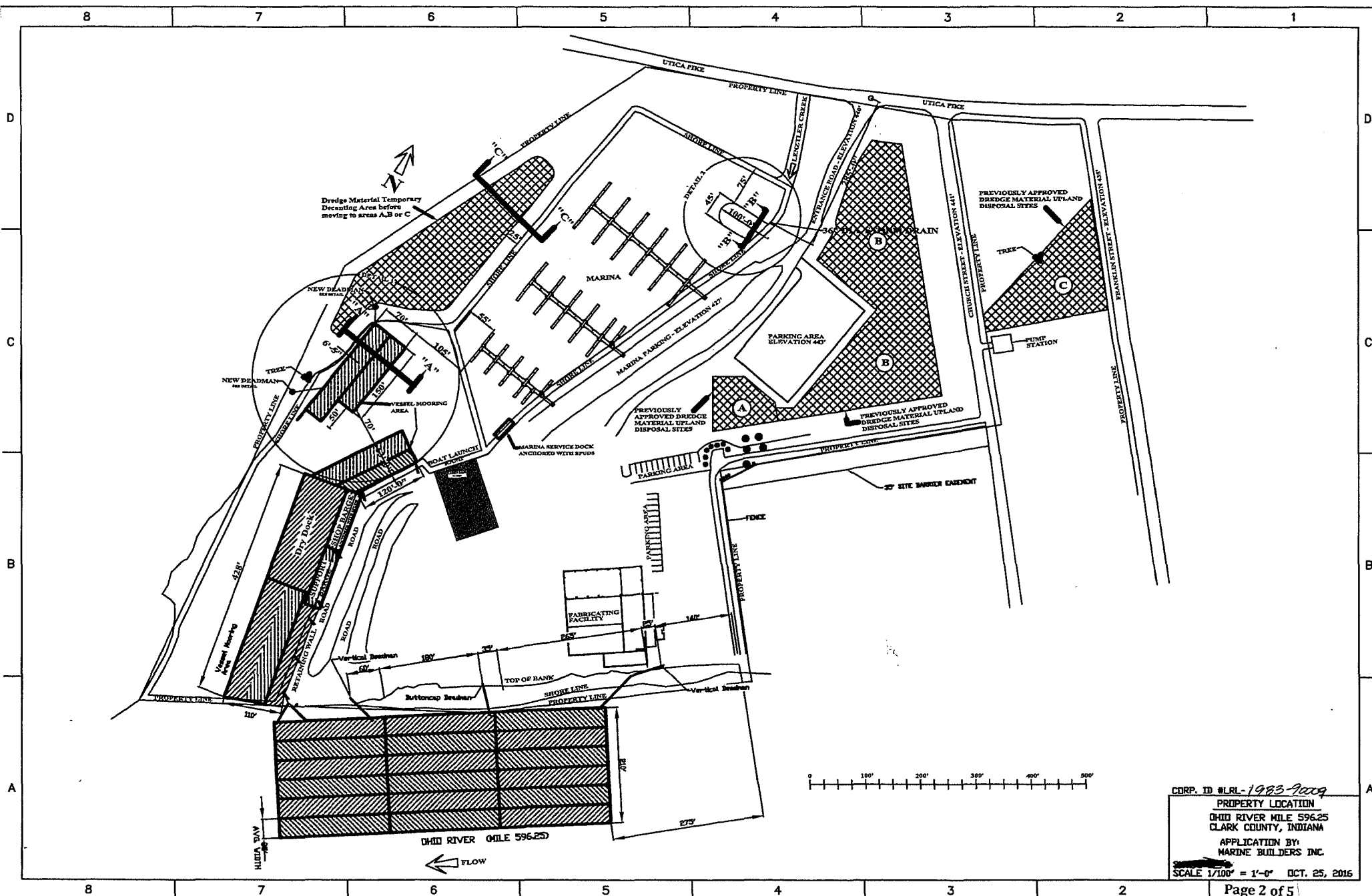
Corps ID: LRL-1983-90009

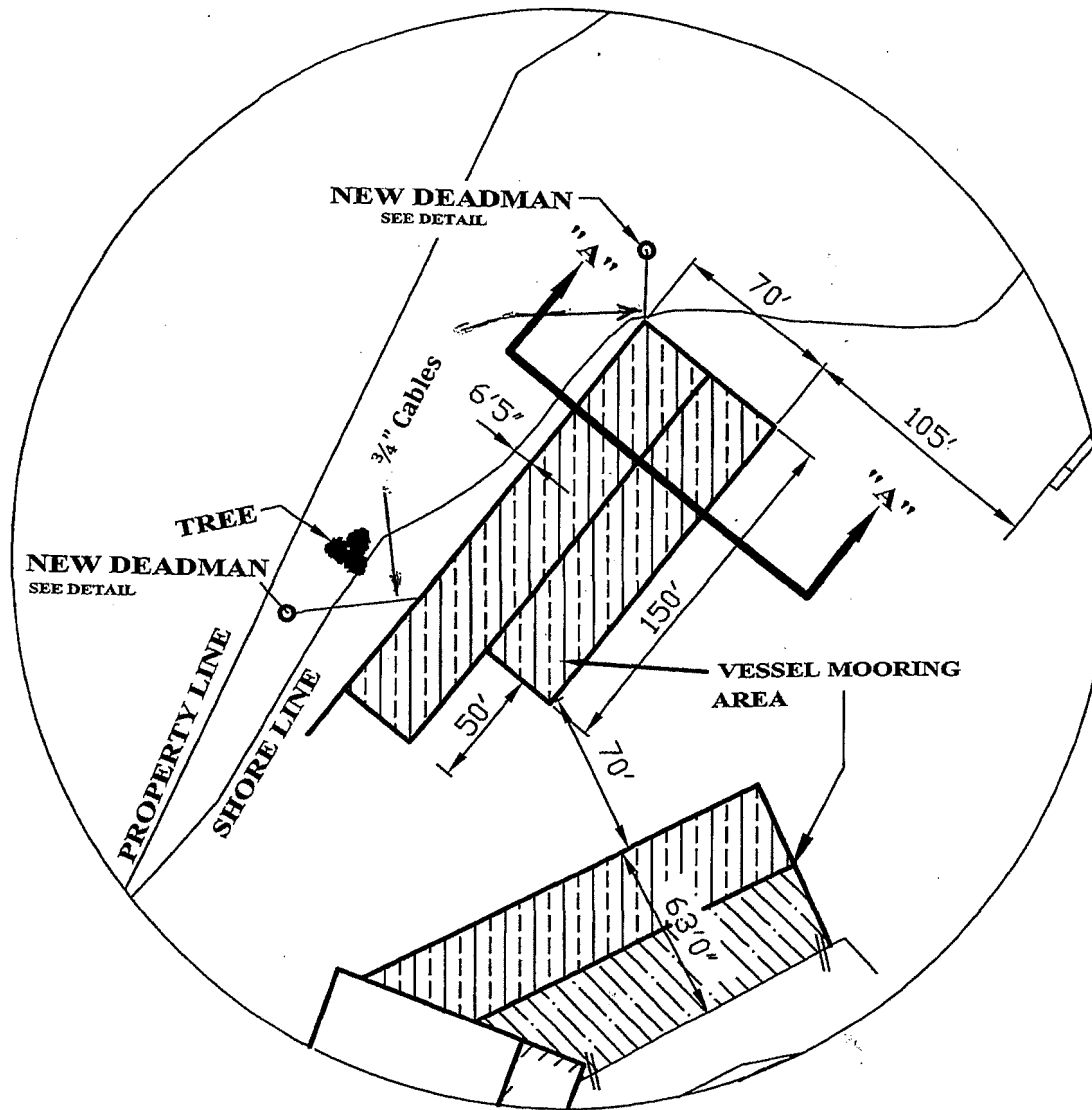
MARINE BUILDERS INC

OHIO RIVER - 596.25

SITE PLAN

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## DETAIL 1

**NOTE: BARGES TO BE  
TIED FORE AND AFT  
USING 3/4" MINIMUM  
WIRE CABLE**

CORP. ID #LRL-1983-90009

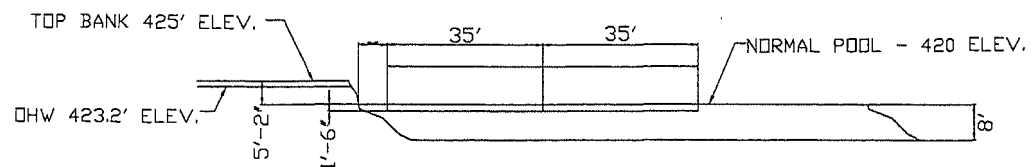
PROPERTY LOCATION

OHIO RIVER MILE 596.25  
CLARK COUNTY, INDIANA

APPLICATION BY:  
MARINE BUILDERS INC.

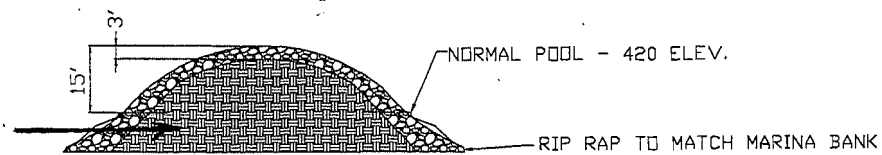
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SCALE: NOT TO SCALE OCT 25, 2016

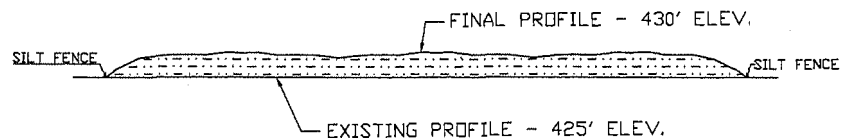


**SECTION "A-A"**

Currently deposited material  
to be left in place in shape of dike.  
Diked to be capped w clean 6" rip-rap  
or greater to control erosion.



**SECTION "B-B"**

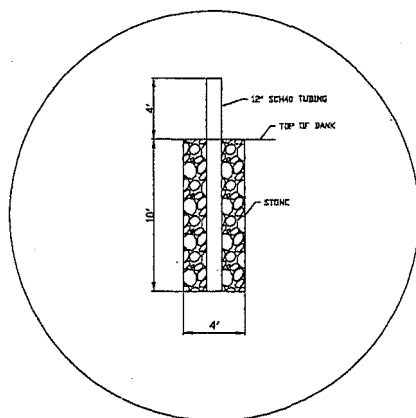


**SECTION "C-C"**

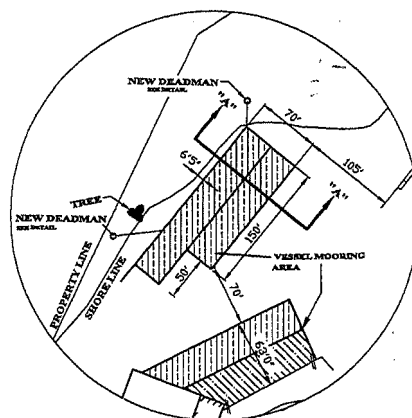
**SILT FENCE LOCATED  
AROUND THE  
PERIMETER OF DREDGE  
MATERIAL TEMP.  
DECANTING AREA**

CORP. ID #LRL 1983-90009  
PROPERTY LOCATION  
OHIO RIVER MILE 596.25  
CLARK COUNTY, INDIANA  
APPLICATION BY:  
MARINE BUILDERS INC.  
SCALE 1/64" = 1'-0" OCT. 25, 2016



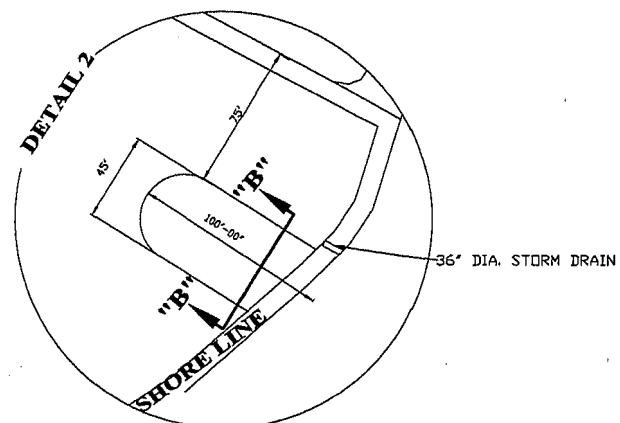


**NEW DEADMAN  
DETAIL**



**DETAIL 1**

**NOTE: BARGES TO BE  
TIED FORE AND AFT  
USING 1" MINIMUM  
WIRE CABLE**



**DETAIL 2**

CORP. ID #LRL-1983-90009  
PROPERTY LOCATION  
OHIO RIVER MILE 596.25  
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SCALE 1/64" = 1'-0" OCT. 25, 2016